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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.683 OF 2005
IN
SUMMARY SUIT NO.1304 OF 2005

Vimal Chand Mohanlal Jain)..Plaintiff

Versus

Chamunda Jewellers and others)..Defendants

Mr.R.S. Champawat for the Plaintiff.

Ms.Chhaya V. Bagat i/b.V.K. Shah for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH MARCH 2006

P.C.:

. This Summons for Judgment has been taken out in the Summary Suit filed by the Plaintiff. The Summary Suit has been filed claiming a balance amount of Rs.1,01,450/- out of the total amount of Rs.3,01,450/-. According to the Plaintiff, who is a Jeweller, he had supplied gold ornaments against invoices shown at Exhibit "A" to the Plaint. The ornaments were worth Rs.3,01,450/-. The Plaintiff has admittedly received an amount of Rs.2,00,000/- and an amount of Rs.1,01,450/- has remained unpaid. According to the Plaintiff, the cheque issued by the Defendants has been dishonoured.

2. In reply, the Defendants have claimed that the signature on the cheque is not that of the Defendants. At the same time, the letter of 17th May 2003, which is annexed to the Plaint, indicates that the Defendants have admitted that the cheque was issued but under pressure. However, there is no denial of the amount claimed by the Plaintiff.

3. In these circumstances, with a view that the Defendants are given an opportunity to defend the claim, conditional leave granted on the Defendants depositing an amount of Rs.1,01,450/- within four weeks from today failing which the Plaintiff will be entitled to a decree.

4. If the Defendants deposit the amount as aforesaid, Prothonotary & Senior Master to invest the same in a Fixed Deposit of a Nationalised Bank initially for a period of three years, to be renewed thereafter till the pendency of the Suit. The Suit shall then be transferred to the list of Commercial Causes.